IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 917 (S/S) of 2006

Smt. Kavita Joshi,
Wife of Sri Girish Joshi,
Presently posted as Assistant Teacher,
Purva Madhyamik Vidyalaya,
Vaparu, Barkote,
District – Champawat. **……Petitioner**

V e r s u s

1. State of Uttaranchal, through Director, Vidyalayee Shiksha Uttaranchal, Dehradun.
2. Additional Director of Education, Kumaon Mandal, Nainital.
3. District Education Officer, Champawat.
4. Additional District Education Officer (Basic), Champawat.
5. Additional District Education Officer (Basic), Pithoragarh.

……Respondents

Hon'ble M.M. Ghildiyal, J.

1. Heard Sri K.N. Joshi, learned counsel for the petitioner and learned standing counsel for the State of Uttaranchal on behalf of respondents
2. By means of this writ petition, the petitioner has prayed for the following reliefs:

   (a) issue a writ, order or direction in the nature of Mandamus directing the respondent to transfer the petitioner from district Champawat to district Pithoragarh in view of the option letter dated 27.11.1998, appointment letter dated 23.11.1998 as well l as Government Order dated 27.09.2005

and as recommended by the District Education Officer, Champawat.

(b) Issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstance of the case.

(c) Award the costs of the petition to the petition.

3. From the assertion made in the writ petition, it appears that an advertisement was issued by District Basic Education Officer for appointment of Assistant Teacher in Primary School, district – Pithoragarh. Before the appointment could be made in pursuance to the advertisement, district – Champawat was carved out from district – Pithoragarh.

4. According to the petitioner, in the appointment order dated 23.11.1998 passed by District Basic Education Officer, Pithoragarh it is stated that petitioner is appointed as Assistant Teacher in the District – Champawat / Pithoragarh. It is also stated that newly appointed teachers shall be adjusted in the place for which they have opted and their seniority shall not be effected.

5. Petitioner is still working in the district – Champawat whereas she has opted for Pithoragarh. In this connection petitioner has already made representation dated 09.05.2006.

6. During the course of argument, learned counsel for the petitioner has confined his prayer that Director

of Education, Uttaranchal be directed to decided the representation of the petitioner dated 09.05.2006 at the earliest.

7. The prayer is innocuous. In the aforesaid circumstances, I deem it fit and proper to direct the Director of Education, Uttaranchal, to take decision on the representation of petitioner dated 09.05.2006 (Annexure no. 9 to the writ petition) within a period of six weeks from the date of production of certified copy of this order.

8. With this direction the writ petition is finally disposed of. No order as costs.

(M.M. Ghildiyal, J)

July 07, 2006
SKSharma